



Title I Guidance Update : June 2008

This compilation of guidance on Title I requirements is provided in response to findings from the on-site monitoring visit by the U. S. Department of Education staff in May 2007. In many areas, the guidance is not new but is provided to assure that all Title I programs have received the information. Please also see the sources of information provided on the NDE webpage under No Child Left Behind.

MONITORING

The monitoring on all Title I, Part A programs is done through the Consolidated Program Review. The NCLB Monitoring Guide has been designed as the instrument used in monitoring but also as guidance to help agencies receiving these funds to know the requirements of the programs. Agencies are encouraged to review the requirements on a regular basis to ensure they are operating their NCLB programs in compliance with the law. All agencies receiving NCLB funds are monitored at least once every three years. The Nebraska NCLB Monitoring Guide and the three year schedule are provided at: <http://www.education.ne.gov/federalprograms/index.htm>. Changes to the monitoring guide as a result of the USDE review include: Parental involvement policies for school and district, schoolwide and targeted assistance schools' annual evaluation of program effectiveness, public school choice and supplemental educational services requirements for schools identified to be in need of improvement and the Title II, Part A requirements for NCLB qualified teachers.

District-wide Activities and Set-Asides

PARENTAL INVOLVEMENT RESERVATIONS

Section 1118(a)(3)(A) of NCLB requires districts that receive a Title I allocation of greater than \$500,000 to reserve not less than one percent to carry out parental involvement activities. At least 95% of the one percent reservation must be allocated to the public schools receiving Title I services. The balance of these reserved funds are to be used for district-wide activities. See below for regulations regarding set-asides for district-wide activities.

Set-asides for District-wide Activities on Targeting Step 4 of the Title I Application

Section 200.64(a)(2)(i)(A) of the NCLB regulations requires that, if an applicant reserves funds for instructional related activities for public elementary or secondary students at the district level, the agency must provide, from these funds, as applicable, equitable services to eligible nonpublic school students.

Section 200.65(a)(1) requires districts that reserve funds for parental involvement activities to split the set-aside between the public and nonpublic families based on the proportion of private school students from low-income families residing in participating public school attendance areas.

The Targeting Step 4 page of the grants management system will be redesigned for 2008-09 to automatically calculate the 1% reservation for parental involvement activities for all applicants receiving \$500,000 or more in a Title I allocation, the 5% of that amount that is to be used for district-wide activities and to also automatically calculate the proportion that is required for public and nonpublic families. The grants management system redesign will also automatically calculate the amount of equitable services to nonpublic school students for instructional related activities that are set-aside for district-wide use.

The grants management system has been redesigned to calculate these percentages. Districts and cooperative projects must continue to document the expenditures for auditing and monitoring purposes.

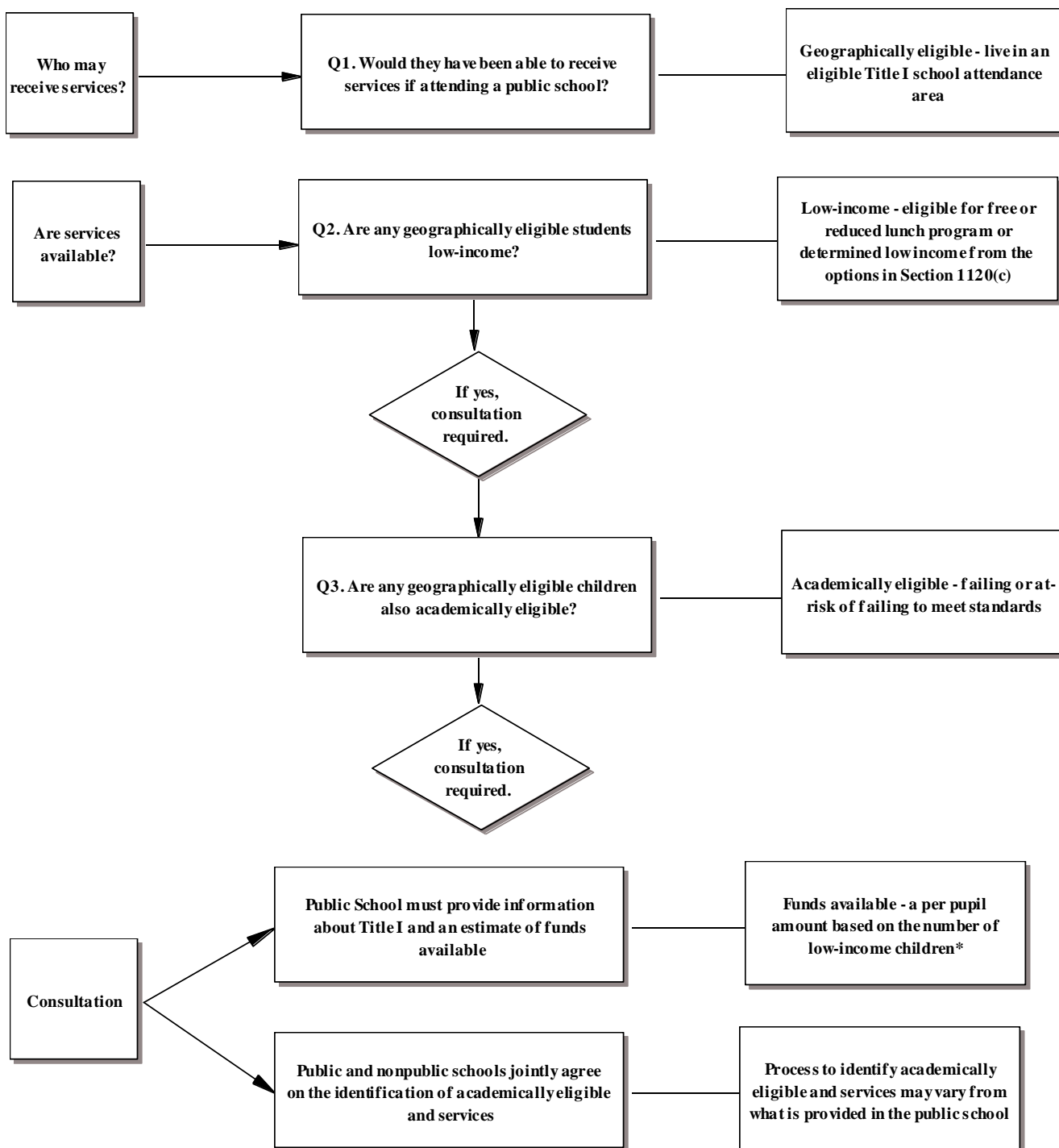
GEOGRAPHIC ELIGIBILITY OF NONPUBLIC SCHOOL STUDENTS

Section 200.62 of the Title I regulations requires a district to provide Title I services to eligible nonpublic school children who reside in participating public school attendance areas of the district regardless of whether the nonpublic school they attend is located in the district. This is the guidance that the Nebraska Title I Office has always provided.

Section 1120(c) identifies other measures to determine if children attending nonpublic schools are from low-income families. The district shall have the final authority to determine which measure to use of the following:

- using the same measure of low income used to count public school children
- using the results of surveys that protect the identity of families of nonpublic school students, and allowing such survey results to be extrapolated if complete actual data are not available
- applying the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area, or
- using an equated measure of low income correlated with the measure of low income used to count public school children.

Title I Services to Children Attending Nonpublic Schools



*When nonpublic school funds are pooled, the allocation is based on the number of academically eligible students

Section 1120(c) of NCLB provides other options for determining the low-income status of nonpublic school students.

Professional development for nonpublic teachers

The grants management system provides the amount of funds available to provide services to nonpublic school students. If there are not enough funds to provide a quality instructional program (direct services to students), the district needs to (1) first identify the nonpublic school children they would have serviced if there were enough funds; (2) provide professional development to the teachers of these identified children; (3) ensure that the professional development activities address the achievement needs of these children based on their performance in the classroom at the nonpublic schools; and (4) annually determine if the professional development activities helped improve the achievement of the eligible students. Other Title I services that might be provided include parental involvement activities for the parents of eligible students which might include make-and-take workshops and other training to help parents work with their children.

Control of NCLB funds

As stated in the Nebraska State and Federal Grant Management Guidance and Requirements and on the NCLB Monitoring Guide, the public agency must maintain control of all funds as well as all materials and equipment purchased with NCLB funds for use by nonpublic school students or staff. NCLB funds cannot be used to pay a nonpublic school. All NCLB services to nonpublic students must be provided by public school employees. Stipends, if any, must be paid directly to the nonpublic school teacher. No substitute costs for nonpublic school staff are allowed.

Annual Evaluation of Program Effectiveness

TARGETED ASSISTANCE SCHOOLS

Section 1115(c)(2)(B) of NCLB requires that targeted assistance programs review “on an ongoing basis, the progress of participating children and revising the targeted assistance program if necessary, to provide additional assistance to enable such children to meet the State’s challenging student academic achievement standards.” This review should inform the programs’ components such as extended year activities, training for teachers on identifying students who need additional assistance, and on providing training for teachers on how to implement student academic standards in the classroom.

The State Title I Office will be creating a task force to develop a rubric to assist all targeted assistance programs in this annual review. Until the rubric is developed, all targeted assistance programs must annually examine the student performance data that is available to determine program effectiveness.

SCHOOLWIDE PROJECTS

Section 200.26(c) of the Title I regulations require a school operating a schoolwide program to annually evaluate the implementation of, and the results achieved by, the schoolwide program, using data from the State’s assessment system and other indicators of academic achievement. For the last several years, all new or changed schoolwide plans have been peer reviewed and rated using the schoolwide rubric. And, each year districts have submitted an assurance that the rubric was used to annually review the implementation of the plan. However, the rubric has focused on ensuring that all schoolwide plans contain all of the NCLB required components. To allow continued use of this rubric and still meet Section 200.26(c), we have revised the Schoolwide Plan Peer Review Rating Rubric And Annual Review Of Schoolwide Effectiveness and added a new requirement. A score sheet has been added to collect the scores from each of the required components in the rubric. Used in conjunction with school and district analysis of student achievement data, the scores will enable schools to see strengths and weaknesses of strategies being implemented. This score sheet will be submitted with the annual assurance of the schoolwide program review that has been due each Spring. The results from annual review will also be used at the State level to determine technical assistance needs for schoolwide projects across the State.

Section 200.26(b) of the Title I regulations requires a school that wishes to operate a schoolwide program to develop a comprehensive plan that describes how the school will improve academic achievement throughout the school, but particularly for those students furthest away from demonstrating proficiency, so that all students demonstrate at least proficiency on academic standards. Although there has not been a schedule established in the past for re-reviews of schoolwide plans, the Committee of

Practitioners has recommended that all schoolwide plans go through a peer review at least once every three years. To the extent feasible, this peer review should be scheduled in conjunction with the NLCB Consolidated Program Review.

NONPUBLIC SCHOOLS

While nonpublic schools are not required to participate in the assessment of academic content standards, an evaluation of the progress of nonpublic students who receive Title I services is required as part of the annual determination of the effectiveness of the Title I program/services. This annual review of services to nonpublic schools should include the same components as a targeted assistance program such as parental involvement, type and length of services, etc.

PARENTAL INVOLVEMENT POLICIES

As described in No Child Left Behind, schools can use the local education agency parental involvement policy as long as the school develops additions as needed to the district parental involvement policy; and that all the Title I requirements are included in the school-level parental involvement policy. The policy must be developed jointly with, and agreed upon with, the parents of children participating in Title I, Part A programs and distributed to parents of all children participating in Title I, Part A programs. *[Section 1118(a)(2), ESEA.]* If the LEA already has a district-level parental involvement policy that applies to all parents, the LEA may amend that existing policy, if necessary, to meet the requirements of section 1118. *[Section 1118(b)(3), ESEA.]*

Parental Notification and NCLB Qualified Teacher Requirements

PARENTS RIGHT TO KNOW

Section 1111 of NCLB requires districts to annually notify parents in any school receiving Title I funds that they (the parents) have a right to request the qualifications of their student's classroom teachers, including whether their child is provided services by paraprofessionals and, if so, their qualifications. In addition, a school that receives funds under this part shall provide to each individual parent –

- information on the level of achievement of the parent's child in each of the State academic assessments, and
- timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by a teacher who is not NCLB qualified.

Schools Identified to be in Need of Improvement

PARENTAL INVOLVEMENT NOTIFICATION

Section 1116(b)(6) of the NCLB requires a district to promptly provide to parents an explanation of the identification of their child's school that includes (1) how the school compares academically to other schools in the district and the State, (2) why the school has been identified, (3) what the school is doing to address the achievement problem, (4) what the district and the State are doing to help the school to address the achievement problem, (5) how parents can be involved in addressing the achievement problem, and (6) parent's options to transfer to another school, and if, applicable, obtain supplemental educational services (SES). Section 200.37(b)(4)(ii) of the Title I regulations requires that the explanation of the parents' option to transfer must include, at a minimum, information on the academic achievement of the school or schools to which the child may transfer. Section 200.37(b)(5) requires that the notice, in the case of a school in the second year of improvement, corrective action or restructuring address: (1) the availability of the supplemental educational services; (2) the identity of the approved providers that are within the State or whose services are reasonably available in neighboring districts; and (3) a brief description of the services, qualifications and demonstrated effectiveness of each provider. Section 1116(e)(2)(A) of the NCLB and Section 200.36 of the Title I regulations require that communications with parents be in an understandable format. Section 1116(b)(1)(E) requires that districts with schools in improvement shall, no later than the first day of the school year following such identification, provide all students enrolled in the school with the option to transfer to another public school served by the district. Section 200.44(a)(54) of the Title I regulations require that, if more than one school is available that has not been identified for improvement, corrective action or restructuring, or that has not been determined by the State to be persistently dangerous, parents of students eligible to transfer must be offered more than one choice.

The State Title I Office sends preliminary information to all districts with schools that missed AYP for one year in May (before the assessment results are even submitted). During the preview window in August, all schools and districts that are identified to be in school improvement are notified and information on the timelines and requirements is provided. The NCLB requirements are also included on the NCLB Consolidated Program Review Monitoring Guide (pages 22-29) are reviewed during on-site visits to the schools. Information on NCLB requirements, including the flow-chart of school improvement, is available on the Title I homepage.

The NDE has developed a checklist for parental notification letters (below) and is also requiring that these letters be submitted to the Title I Office prior to be sent to parents.

Checklist

Title I School Improvement
Parent Letter

Co. Dist. No. _____ School Name: _____

Reviewer: _____ Date: _____

Letter includes the following:

Year 1

- ☐ An explanation of what the identification means and
- ☐ An explanation of how the school their child attends compares to other elementary and secondary schools served by the District and the State in terms of the academic achievement of its students
- ☐ The reason(s) for the school being identified for improvement
- ☐ An explanation of how parents can become involved in addressing the academic issues that led to the identification
- ☐ An explanation of the parents' option to transfer their child to another school in the District that has not been identified for improvement.
 - ☐ Notification must provide parents with enough relevant information to help them decide what school is best for their child
 - ☐ At a minimum, the District must inform parents about the academic achievement level of students at the school or schools to which their child may transfer, but it may also choose to include other information, such as a description of special academic programs, facilities, before-or-after school programs, the professional qualification of teachers in the core academic subjects, or parent involvement opportunities.
 - ☐ The District must explain that it will provide their child with transportation to the schools that the District identifies as options

Year 2 (All of the above must be included in the Parent Notification PLUS the following)

- ☐ The availability of supplemental educational services for eligible children.
- ☐ The District must provide the names of approved providers of services available within the District or within a reasonable distance of that area, along with a brief description of the services, qualifications, and demonstrated effectiveness of these providers.

When a school is identified for Title I school improvement...

- ☐ The District must publish and disseminate, to both parents and the public, information explaining:
 - ☐ What the school is doing to address the problem of low achievement
 - ☐ What the LEA or the SEA is doing to help the school address this problem.

Assessment and Accountability

ASSESSMENT

Several findings from the USDE monitoring visit addressed the assessment of students under STARS. One issue was the inclusion of students with out-of-level assessments in the AYP data. The following is from page 11 of the AYP Guidance for 2006-07 found at: <http://www.nde.state.ne.us/stars/documents/AYPGuidance2006.07.pdf>



The U. S. Department of Education has issued new guidance regarding students with modified assessments and Adequate Yearly Progress (AYP). For reporting purposes for AYP, students who have taken modified assessments must be included in the count of students enrolled a full academic year if they have been. However, the results of modified assessments (including out-of-level tests) cannot be included in the count of proficient and the students cannot be considered to have participated in the assessments.

The second issue was using, for AYP purposes, the results of the English Language Development Assessment (ELDA) required under Title III and Title I for the assessment of English Language Learners. NDE had allowed districts the option to use the results from the ELDA for reporting student performance on Reading. The ELDA has not been approved for use as the assessment of Reading content standards in Nebraska.

A third issue was the assessment of non-English speaking students in their first 3 years in school. NDE has allowed districts to use alternative methods of assessing these students. USDE's finding was:

For grade-level alternate assessments for LEP students, the NDE must either (a) count as non-participants for AYP purposes any student tested on a grade-level alternate assessment that has not been reviewed and approved as part of the NDE assessment system for NCLB, or (b) review and approve such assessments prior to their use for AYP purposes.

NDE's guidance has been and continues to be that all assessment results used for reporting student performance for STARS must meet the six quality criteria. Note: USDE Guidance allows non-English speaking students in their first year in a U.S. school to be excluded from assessment in Reading.

ACCOUNTABILITY

Adequate Yearly Progress (AYP) is the annual measure of student progress toward meeting the State AYP goals. NCLB requires that at least 95% of all students must be included in the assessments. Nebraska has been determining the participation rate by dividing the number of students who have been enrolled a full academic year by the number of students who were assessed on at least 75% of the standards. The USDE review of the AYP process identified this method of calculating the participation rate as not being in compliance with USDE guidance. The participation rate must be calculated using all of the students assessed and not just those who have been enrolled a full academic year. For 2007-08 when the Nebraska Student Staff Record System (NSSRS) is implemented, the participation rate will be based on the number of students who are not assessed. Not assessed student counts are all students enrolled the last day of the school year and reported on the June 30 Student Snapshot who have:

- a. Parent waivers [Assessment Fact: Assessment Status (15)] code (4)
- b. Modifications or out-of-level assessments for any student including students with disabilities and English Language Learners [Assessment Fact: Testing Modification (34)] (adjusted when modified standards and assessments are approved for students with disabilities); code of (1) or (3)
- c. Only "N" on all standards reported for an enrolled student [Assessment Response: Achievement Level (13)]

AYP and Title II, Part A Requirements for NCLB Qualified Teachers

TITLE I, PART A AND TITLE II, PART A (TEACHER QUALITY)

Title II, Part A has requirements that link student performance (adequate yearly progress – AYP) from Title I, Part A with the requirements that all teachers meet NCLB qualified teacher requirements. These requirements are called Annual Measurable Objectives (AMO). Section 2141 (a) of Title II requires a district that does not have 100% of its teachers meeting NCLB requirements for two consecutive years to develop an improvement plan to help all teachers become NCLB qualified. Section 2141 (c) requires districts to enter into an agreement with the State (NDE) if a district misses any AYP goal and also is not showing progress, for three consecutive years, toward the goal of having 100% of the teachers that must meet NCLB requirements meeting them. This jointly developed agreement must include how the district will use the Title II, Part A funds to provide professional development strategies and activities to help all teachers become NCLB qualified. The district would not be allowed to use Title I, Part A funds to fund new paraprofessionals except to fill vacancies and then only with paraprofessionals that meet Title I requirements as NCLB qualified.

For the initial year of determining AMO status for all districts, NDE will be using the 2006-07 and 2007-08 NCLB Qualified Teacher percentages to determine if a district has met the Annual Measurable Objectives (AMO) of **Section 2141 (a)**. The “improvement plan” is already a part of the NCLB Consolidated Application in the grants management system under the Goals and Needs tab. Any district not meeting the AMO for two consecutive years will be notified by the NDE in November (after the data for NCLB qualified teachers is available for district review in the State of the Schools Report in late October). These districts may need to amend their “improvement plan” in the 2008-09 NCLB Consolidated Application if it does not specifically address how the district will be helping all teachers meet NCLB requirements.

If any district misses the AMO requirements of **Section 2141 (c)** (not demonstrating progress in meeting goal of 100% NCLB qualified and also missing any AYP goal) for three consecutive years, the same question in the NCLB Consolidated Application will be used for the jointly developed agreement/improvement plan. The following timeline will be in effect for districts not meeting the AMO using the 2008-09 results:

- 1) Initial notice to all districts that have failed to meet the AMO. (after November 2009)
- 2) Conference calls with staff members of each district. Staff invited to participate include the Title I and Title II directors and the person or persons responsible for writing and reviewing the NCLB Consolidated Application from the district and the NDE. – (by end of February 2010)
- 3) Written notification to the districts of the requirements of the agreement and the improvement plan. – (by mid-March 2010)
- 4) Completed agreement/improvement plan submitted as part of the NCLB Consolidated Application – due July 1 or at due date of July 2010
- 5) The NCLB Consolidated Application reviewed and approved by NDE. The State approval of the improvement plan within the NCLB Consolidated Application constitutes an agreement between the district and the State.

State of the Schools Report

Some of NCLB’s requirements for the State’s report card have not been possible prior to 2007-08 and the NSSRS. For 2007-08, the State of the Schools Report will include the following new data using STARS results (not AYP results):

- Student performance in Reading, Math, Science, Writing and Graduation
- The percent proficient in each of the four performance levels
- All students assessed on any assessments at any time throughout the year as reported on the Student template by June 30
- The percent not assessed
- Reported by each grade levels (3, 4, 5, 6, 7, 8, and high school) where assessments are given
- All subgroups including migrant and gender,
- Two years trend data (when available)
- A comparison of each school to district to state data

A list of the names and numbers of all schools and districts identified to be in school improvement will be provided on the State of the Schools Report also.

NCLB's Complaint Process Requirement

Since this guidance was last disseminated when NCLB was first enacted, this is a reminder. Section 299.10 of EDGAR requires a State to establish written procedures for dealing with complaints. One of the procedures required is to inform and require the following. In most district's, a complaint procedure is included in the student handbook or other communication that is provided to all parents. This notification must also be sent to nonpublic school officials or representatives. The following is from the NDE procedures.

Each entity receiving funding under any applicable federal program will disseminate, free of charge, the complaint procedure to parents of the students, and appropriate private school officials or representatives.

Resources

Information on Title I Program and requirements for all areas discussed above can be found at the NCLB – Title I Program page. This page also provides links to the U. S. Department of Education and their non-regulatory guidance.

<http://www.education.ne.gov/federalprograms/index.htm>

NDE Federal Programs Website

<http://www.ed.gov/>

USDE Webpage